APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,368	01/30/2002	Christopher Jean Seiler	6647-29	4539

7590 07/13/2005	EXAMINER	
MARGER JOHNSON & McCOLLOM, P.C.	KERN, MATTHEW C	

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2654	

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DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/066,368	SEILER ET AL.
	Examiner	Art Unit	
	Kern Matthew	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities:

In the section "Related application data", the blanks in lines 9 and 11 should filled

in with the proper application serial no. and filing date, respectively.

Claim Objections

2.   <u>Claims 6 and 8</u> are objected to because of the following informalities:

As per <u>claim 6</u>, "in to" should be changed to –into--.

As per <u>claim 8</u>, "in to" should be changed to –into--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3.   <u>Claims 1-2, 6-8, 10,13,15-17,19,22,24-26,28,31,and 33</u> are rejected under 35

U.S.C. 102(e) as being anticipated by Shimamoto et al (US patent application

publication 2001/0037192).

As per <u>claims 1 and 2</u>, Shimamoto et al. teach determining a language for a user (identifies the preferred language, para [0071]), comprising:

- a computer (inter-computer communications, para [0002]);

- a directory entry for the user, the directory entry stored in the computer (preferred language of the user registered in the table, para [0071]) and including identity information for the user (user's preferred language, para [0071]);

- location information for a location from which the computer can be accessed (user's country or domain, para [0072]); and

- means for identifying the language for the user based on at least one of the directory entry and the location information (user's country or domain on the basis of the user's IP address, para [0072]).

As per <u>claims 6, 15 and 24</u>, Shimamoto et al. teach determining a language for a user (identifies the preferred language, para [0071]), comprising:

- logging the user into a computer with login information (user logs in, para [0071]);

- identifying the languages based on at least one of a directory entry for the user and a location of the user, using the login information (automatically identifies the preferred language for the user registered in the user table when the user logs in, para [0071]).

As per <u>claims 7, 16, and 25</u>, Shimamoto et al. teach where identifying the language includes determining the language from an identity information stored in the directory entry for the user (user's preferred language registered in the language table, para [0071]).

As per <u>claims 8, 17, and 26</u>, Shimamoto et al. teach wherein logging the user into a computer (user logs in, para [0071]) includes:

-      accessing the directory entry for the user from the computer (web server 1 determines the user's preferred language using these tables 100 and 110, para [0062]); and

-      locating the identity information in the directory entry (language code from user table, figure 2, element 100).

As per <u>claims 10, 19, and 28</u>, Shimamoto et al. teach where identifying the language includes:

-      determining the location of the user (server identifies the user's country or domain on the basis of the user's IP address, para [0072]); and

-      identifying a default language for the location of the user as the language (automatically selects the language of that country or domain, para [0072]).

As per <u>claims 13, 22, and 31</u>, Shimamoto et al. teach using the language to display content to the user (contents of the service, para [0010]).

As per <u>claim 33</u>, Shimamoto et al. teach an apparatus for determining a language for a user (identifies the preferred language, para [0071]), comprising:

- a computer (inter-computer communications, para [0002]);

- a directory entry for the user (user table, figure 2, element 100), the directory entry stored in the computer and including identity information for the user (language code, figure 2, that indicates language);

- location information for a location from which the computer can be accessed (server identifies the user's country or domain on the basis of the user's IP address, para [0072]); and

- a selector for selecting the language for the user based on at least one of the directory entry and the location information (automatically selecting one from a multitude of methods for choosing a language, ie user login information or location information, para [0072]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3-4,9,18, and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shimamoto et al. as applied to claim 1,7,16, and 25 respectively,

above, and further in view of Gordon et al. (US patent 6,243,717).

As per claims 3 and 4, Shimamoto et al .do not teach inheriting a language.

However, Gordon et al teach this (are implicitly associated with a default language, col

12, lines 20-24). Therefore, it would have been obvious to one having ordinary skill in

the art at the time of invention to have Shimamoto et al allow the user to inherit a

language if he did not specify one so that the user does not have to worry about this—

he can just worry about viewing his content in a fast manner.

Further, neither Shimamoto et al. nor Gordon et al. teach inheriting a language

from a container of the directory entry. However, the examiner takes Official Notice that

it is old and well-known in Client-Server programming to use OO programming using

Java or C++, high-level languages that both have container classes. Therefore, it would

have been obvious to one having ordinary skill in the art at the time of invention to use

OO programming in the Shimamoto et al. and Gordon et al. system so that debugging

would be easier.

Finally, Shimamoto et al. and Gordon et al. do not teach a directory entry

inheriting the default language from a container. However, it is old and well known that

when a new object is instantiated in OO programming, default settings are incorporated

within a newly created object so that the programmer does not have to write code

assigning values to each variable. Therefore, it would have been obvious to one having

ordinary skill in the art at the time of invention for the user table of Shiamoto et al. and

Gordon et al. inherit the default language of the container from which it was instantiated

so that the programmer would not have to write code assigning the default language to

each entry in the user database, thus making the program easier to maintain and

debug.

As per <u>claims 9, 18, and 27</u>, Shimamoto et al. do not teach where determining

the language includes determining that no language is specified in the identity

information in the directory entry. Gordon et al, however teach this (user Ids of those

users who do not specify a language are implicitly associated with the default language,

col 12, lines 20-24). Therefore, it would have been obvious to one having ordinary skill

in the art at the time invention to have Shimamoto et al's system detect whether a user

has specified a language so that, in the case where he has not, provisions can be made

to assign a language.

Further, Shimamoto et al .do not teach inheriting a language. However, Gordon

et al teach this (are implicitly associated with a default language, col 12, lines 20-24).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

of invention to have Shimamoto et al allow the user to inherit a language if he did not

specify one so that the user does not have to worry about this—he can just worry about

viewing his content in a fast manner.

Finally, Shimamoto et al. do not teach inheriting a language from a container of the

directory entry. However, the examiner takes Official Notice that it is old and well-known

in Client-Server programming to use OO programming. Further, it is old and well known

that when a new object is instantiated in OO programming, default settings are

incorporated within this newly created object so that the programmer does not have to

write code assigning values to each variable. Therefore, it would have been obvious to

one having ordinary skill in the art at the time of invention to have the Shiamoto et al. 's

user table be instantiated with a default value of the language in the case where the

logged in user did not specify a language so that the user would only have to worry

about viewing his content, not setting the settings so that a specific language appears.

5.   Claims 5,11,20, and 29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Shimamoto et al. as applied to claims 1,6,15, and 24 respectively,

above, and further in view of Lakritz (US patent 6,623,529).

As per claim 5, Shimamoto et al. do not teach a ranker for ranking a plurality of

languages. Lakritz, however, teaches this (Egypt→{Arabic, French, English, Berber}, col

5, lines 66). Therefore, it would have been obvious to one having ordinary skill in the art

at the time of invention to include in Shimamoto et al.'s language determiner a ranker,

as taught by Lakritz, so that if the user is from an area where people speak more than

one language, the language that is most commonly spoken is selected, thus saving

time.

Further, Shimamoto et al. do not teach a selector for selecting one of the plurality

of languages with the highest rank. Lakritz, however, teaches this (a visitor from Egypt

will be presented with a requested document in Arabic if it is available. If it is not, the

system will look for one in French, and so on, col 5, lines 65-67 and col 6, lines 1-2,

implies a selector). Therefore, it would have been obvious to one having ordinary skill in

the art at the time of invention to have the language selector of Shimamoto et al. have

the selector taught by Lakritz so that the language determined to be the most commonly

encountered could actually be selected and presented to the user.

As per claims 11, 20, and 29, Shimamoto et al. teach where identifying the

language includes:

-        determining a first language from the directory entry for the user (user's preferred

language registered in the language table, para [0072]);

-        determining a second language bases on the location of the user (automatically

selects the language of that country or domain, para [0072]);

Shimamoto et al. do not teach ranking the first and second languages. Lakritz,

however, teaches ranking of languages (Egypt→ {Arabic, French, English, Berber}).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

of invention to rank the two type of languages in Shimamoto et al. system in the same

way as done by Lakritz so that the user have a flexible way of choosing what language

she wants to use.

Further, Shimamoto et al. do not teach selecting as the language a highest

ranked language. Lakritz, however, teach this (visitor from Egypt will be presented with

a requested document in Arabic, if available; if it is not, system look for it in French, and

so on, col 5, lines 66-67 and col 6, lines 1-2). Therefore, it would have been obvious to

one having ordinary skill in the art at the time of invention to have Shimamoto et al.

system have the selector taught by Lakritz so that the user view a document in the most

relevant language to him.

6.   Claims 12,21, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shimamoto et al. and Lakritz as applied to claims 11,20, and 29 respectively

above, and further in view of Turner et al. (US patent 6,633,742).

As per claims 12, 21, and 30, neither Shimamoto et al. nor Lakritz teach

determining a third language from a browser. Turner et al, however, teach this (system

presents a dialog box with language options, col 21, lines 29-30). Therefore, it would

have been obvious to one having ordinary skill in the art at the time of invention to

enable the user in Shimamto et al and Lakritz's system be able to determine a third

language in the manner taught by Turner et al. so that if a language is not associated

with a user ID, and a firewall prevents the IP address of the user being read by the

computer, the user can manually select a language using the web browser settings.

Further, Shimamoto et al. do not teach ranking that includes ranking the first,

second, and third languages. Lakritz, however, teaches this (Egypt→{Arabic, French,

English, Berber}, col 5, lines 66-67). Therefore, it would have been obvious to one

having ordinary skill in the art at the time of invention to enable the user in Shimamoto

et al.'s system be able to rank the language designated by User ID, Location, or Web

browser settings so to provide greater flexibility to the user using the system.

7.   Claims 14,23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Shimamoto et al. as applied to claims 13,22, and 31 respectively, above.

        As per claims 14, 23, and 32, Shimamoto et al. teach wherein using the language

includes sending the user's IP address in a packet header from the computer to content

provider (para [0072]). Shimamoto et al. do not teach sending the language in a packet

header form the computer to a content provider. However, the examiner takes Official

Notice that an artisan could put the language desired by the user, instead of the IP

address of the user, in the header file to indicate the preferred language. Therefore, it

would have been obvious to one having ordinary skill in the art at the time of invention

to have Shimamoto et al include in their header file the language desired by the user so

that the code used to determine the default language of a user bases on IP address can

be reduced—the language is instantly disclosed after reading the header file.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to the

applicant's disclosure.

        Levkoff et al. (2002/0129001) teach a user logging in and deciding whether to

use user preferences, a default setting, or a user preference for just that session.

Resnick et al (2002/0198971) teach a using a default language or next closest available language.

Ingram et al. (2002/0069081) teach initial logging in and choosing language based upon country affiliation.

Nosohara et al. (6,571,241) teach choosing a language based on User ID.

Shaffer et al. (6,240,170) teach a language hierarchy for a registered user.

Donohue et al. (2002/0174196) teach determining the user's locale and currency preference.

9.   Any inquiry concerning this communication should be directed to Mr. Matthew Kern, whose telephone number is (571) 272-7606 or fax number (571) 273-7606. The examiner can normally be reached Mondays-Fridays from 9:30 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Talivaldis Smits, can be reached at (571) 272-7628. The facsimile phone number for this Technology Center is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application should be directed to the Technology Center 2600 receptionist, whose telephone number is (571) 272-2600.

7/6/05

MCK

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER